

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TAVON PAUL SCARBROUGH,
Plaintiff,

v.

**DEPARTMENT OF CORRECTIONS
NCP,**
Defendant.

CIVIL ACTION NO. 18-CV-1821

FILED

JUN 07 2018

ORDER

KATE BARKMAN, Clerk
By _____ **Dep. Clerk**

AND NOW, this 7th day of June, 2018, upon consideration of Plaintiff Tavon Paul Scarbrough's motions for leave to proceed *in forma pauperis* (ECF Nos. 5, 8), his Prisoner Trust Fund Account Statement (ECF No. 9), his *pro se* Complaint (ECF No. 1), and his motion for the appointment of counsel (ECF No. 10), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED**.
2. Scarbrough, #20137, shall pay the full filing fee of \$350.00 in installments, pursuant to 28 U.S.C. § 1915(b). Based on the financial information provided by Scarbrough, he is not assessed an initial partial filing fee. In each month when the amount in Scarbrough's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Scarbrough's inmate trust fund account until the fees are paid. Each payment shall reference the docket number for this case, Civil Action No. 18-1821.
3. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Warden of the Northampton County Jail.
4. The Complaint is **DEEMED** filed.

5. The Complaint is **DISMISSED**, without prejudice, for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and Rule 8 of the Federal Rules of Civil Procedure, for the reasons set forth in the accompanying Memorandum.

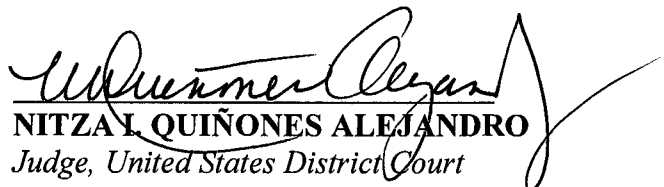
6. Scarbrough is given leave to file an amended complaint within thirty (30) days of the date of this Order naming the person or persons responsible for the alleged violations of his rights, or a proper legal entity subject to suit under § 1983. Any amended complaint must identify the defendants in the caption in addition to the body, and shall state the basis for Scarbrough's claims against each defendant. If Scarbrough does not know the identity of any of the individuals responsible, he may refer to them as Jane or John Doe. Scarbrough should include the claims on which he seeks to proceed in his amended complaint without relying on or referring to other documents he filed in this case. Upon the filing of an amended complaint, the Clerk of Court shall not make service until so ordered by the Court.

7. Scarbrough's motion for the appointment of counsel is **DENIED** without prejudice to reassertion in the event he files an amended complaint.

8. The Clerk of Court is **DIRECTED** to send Scarbrough a blank copy of this Court's current form to be used by a prisoner filing a civil rights action bearing the above-captioned civil action number.

9. If Scarbrough fails to file an amended complaint, his case may be dismissed for failure to prosecute without further notice.

BY THE COURT:


NITZAL QUINONES ALEJANDRO
Judge, United States District Court